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6 Attorneys for Plaintiff  
7 FIREMAN'S FUND INSURANCE COMPANY,  
8 a foreign corporation a/s/o BASIC RESOURCES, INC.  
9 and GEORGE REED, INC., a foreign corporation  
10

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
13

14 FIREMAN'S FUND INSURANCE  
15 COMPANY, a foreign corporation  
16 a/s/o BASIC RESOURCES, INC.  
17 and GEORGE REED, INC., a foreign  
18 corporation,

19 Plaintiff,

20 vs.

21 GERLING AMERICA INSURANCE  
22 COMPANY, a foreign corporation,  
23

24 Defendant.  
25  
26  
27  
28

CASE NO. C 07 06302 CRB

FFIC'S COMPENDIUM OF FLORIDA AND  
CALIFORNIA CASES AND STATUTES  
CITED IN PLAINTIFF'S REPLY  
MEMORANDUM OF LAW TO  
DEFENDANT'S OPPOSITION  
MEMORANDUM TO PLAINTIFF'S  
RENEWED MOTION FOR LEAVE TO  
FILE THIRD AMENDED COMPLAINT

Date: April 11, 2008

Time: 10:00 a.m.

Courtroom: 8

**FLORIDA & CALIFORNIA CASES**

**Exhibit**

San Diego Housing Commission v. Industrial Indemnity Co.

95 Cal.App. 4<sup>th</sup> 669; 116 Cal.Rptr. 2d 103; 2002  
Cal.App. LEXIS 722 (2002)

A

Pritchard v. Liberty Mutual Ins. Co.

84 Cal.App. 4<sup>th</sup> 890; 101 Ca. Rptr. 2d 298; 2000  
Cal.App. LEXIS 858 (2000)

B

Ins. Co. of North America v. National American Ins. Co. of Calif.

37 Cal.App. 4<sup>th</sup> 195; 43 Ca. Rptr. 2<sup>nd</sup> 518; 1995  
Cal.App. LEXIS 751 (1995)

C

Employers Ins. Co. v. Hofrichter, P.A.

670 So.2d 1023 (Fla. 3<sup>rd</sup> DCA 1996)

D

Montura Trading Post v. Century Sur. Co.

2006 U.S. Dist. Lexis 45968 (MD. Fla. 2006)

E

Union Am. Ins. Co. v. Maynard

752 So.2d 1266 (Fla. 4<sup>th</sup> DCA 2000)

F

Florida Insurance Guaranty Ass'n v. Johnson

654 So.2d 239 (Fla. 4<sup>th</sup> DCA 1995)

G

Steele v. Kinsey

801 So.2d 297 (Fla. 2<sup>nd</sup> DCA 2001)

H

Jones v. FLGA, Inc.

908 So.2d 435 (Fla. 2005)

I

Butler v. Crosby

2006 U.S. Dist. Lexis 26029, 19 FLWD 466 (M.D. Fla. 2006)

J

Cousins Rest. Assoc. v. TGI Friday's, Inc.

843 So.2d 980 (Fla. 4<sup>th</sup> DCA 2003)

K

State Farm Fire & Cas. Co. v. Fleet Fin. Corp.

724 So.2d 1218 (Fla. 5<sup>th</sup> DCA 1998)

L

**FLORIDA & CALIFORNIA STATUTES**

§ 627.428, Fla.Stats.

M

Cal Ins Code § 11580

N

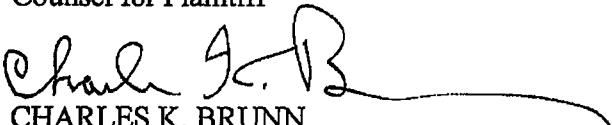
**PENDING MOTION**

Renewed Motion for Leave to File third Amended Complaint  
With Exhibits

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4  
5 By: /s/ Jon D. Derrevere  
6 JON D. DERREVERE  
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**PROOF OF SERVICE**

*Fireman's Fund Ins. Co. v. Gerling American Ins.*

United States District Court, Northern District of California

Case No.: C 07 06302 CRB

I am employed in the City and County of West Palm Beach, State of Florida. I am over the age of 18 and not a party to the within action; my business address is: Derrevere, Hawkes & Black, 470 Columbia Drive, Building "B", West Palm Beach, Florida 33409.

On March 25, 2008, I served the foregoing document(s) described as:

**FFIC'S COMPENDIUM OF FLORIDA AND CALIFORNIA CASES AND STATUTES  
CITED IN PLAINTIFF'S REPLY MEMORANDUM OF LAW TO DEFENDANT'S  
OPPOSITION MEMORANDUM TO PLAINTIFF'S RENEWED MOTION FOR LEAVE  
TO FILE THIRD AMENDED COMPLAINT**

On the interested parties in this action by placing ☐ the original ☐ a true copy thereof enclosed in a sealed enveloped addressed as stated below:

**☐ BY REGULAR MAIL:**

I caused such envelopes to be deposited in the United States Mail at West Palm Beach, Florida with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with United States postal service each day and that practice was followed in the ordinary course of business for the service herein attested to.

**☒ BY ECF:**

I HEREBY CERTIFY that on this 25th day of March, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on: TINO X. DO, Barger & Wolen, LLP, 650 California Street, 9<sup>th</sup> Floor, San Francisco, CA 94108, [tdo@barwol.com](mailto:tdo@barwol.com) and CHARLES K. BRUNN, Brunn & Flynn, 928 12<sup>th</sup> Street, Suite 200, P.O. Box 3366, Modesto, CA 95354, [CBrunn@Brunn-Flynn.com](mailto:CBrunn@Brunn-Flynn.com) via transmission of Notices of Electronic Filing generated by CM/ECF.

**☒ FEDERAL** - I declare that I am employed in the office of a member of the Florida Bar, admitted to practice in all Florida Courts and who makes this Pro Hac Vice Application, that our co-counsel and sponsor is a member of the bar of this California Court, and at their direction this service was made. Executed at West Palm Beach, Florida on March 25, 2008.

NAME: Deanna N. Menendez

Signature: Deanna N. Menendez